

Kenneth A. Gallo (*pro hac vice*)
Paul D. Brachman (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Facsimile: (202) 204-7420
Email: kgallo@paulweiss.com
Email: pbrachman@paulweiss.com

William B. Michael (*pro hac vice*)
Crystal L. Parker (*pro hac vice*)
Daniel A. Crane (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3000
Facsimile: (212) 757-3990
Email: wmichael@paulweiss.com
Email: cparker@paulweiss.com
Email: dcrane@paulweiss.com

Joshua Hill Jr. (SBN 250842)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
535 Mission Street, 24th Floor
San Francisco, CA 94105
Telephone: (628) 432-5100
Facsimile: (628) 232-3101
Email: jhill@paulweiss.com

Attorneys for Defendant Intuitive Surgical, Inc.

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,
Plaintiff,

v.

INTUITIVE SURGICAL, INC.,
Defendant.

Case No. 3:21-cv-03496-AMO

**JOINT ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE SEALED
PURSUANT TO CIVIL LOCAL
RULE 79-5(f)**

The Honorable Araceli Martínez-Olguín

NOTICE OF MOTION AND MOTION

Pursuant to Civil Local Rules 7-11 and 79-5(f), and the Court's Order of December 11, 2024, Dkt. 329, Plaintiff Surgical Instrument Service Company, Inc. ("SIS") and Defendant Intuitive Surgical, Inc. ("Intuitive") (collectively, the "Parties") hereby file this Joint Administrative Motion to Consider Whether Another Party's Material Should Be Sealed ("Motion to Consider") regarding the Parties' use at trial of exhibits and deposition testimony that non-parties have designated as "Confidential" or "Highly Confidential-AEO" under the Protective Order, Dkt. 78 (as modified by Dkt. 107) (collectively, "Non-Party Confidential Material").

As indicated in the Parties' prior Response to the Court's Order Regarding Sealing of Testimony at Trial, Dkt. 328, counsel for the Parties conferred and agreed on a process for contacting non-parties regarding the need for sealing of any such Non-Party Confidential Material at trial. Dkt. 328. The Parties subsequently contacted counsel for each affected non-party. The following non-parties responded and indicated that they may seek to seal certain exhibits and/or deposition testimony:

- Alliance Healthcare Partners
- Asensus Surgical
- CMR Surgical
- Franciscan Health
- Restore Robotics
- Stryker
- Valley Medical Center

The Non-Party Confidential Material that these non-parties have indicated they may seek to seal are listed in the Proposed Order filed in conjunction with this Motion to Consider, and are attached to this Motion to Consider.

Under Local Rule 79-5(f)(2), the Parties will serve on counsel for all non-parties parties listed in the Proposed Order copies of this Motion to Consider. All affected non-parties

1 have been informed that, pursuant to the Court's Oder, Dkt. 329, responses to this Motion to
2 Consider are due no later than December 20, 2024.

3
4 Dated: December 16, 2024

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

5 Kenneth A. Gallo (*pro hac vice*)
6 Paul D. Brachman (*pro hac vice*)
7 **PAUL, WEISS, RIFKIND, WHARTON &**
8 **GARRISON LLP**
9 2001 K Street, NW
10 Washington, DC 20006-1047
11 Telephone: (202) 223-7300
12 Facsimile: (202) 204-7420
13 Email: kgallo@paulweiss.com
14 Email: pbrachman@paulweiss.com

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18 **PAUL, WEISS, RIFKIND, WHARTON &**
19 **GARRISON LLP**
20 1285 Avenue of the Americas
21 New York, NY 10019-6064
22 Telephone: (212) 373-3000
23 Facsimile: (212) 757-3990
24 Email: wmichael@paulweiss.com
25 Email: cparker@paulweiss.com
26 Email: dcrane@paulweiss.com

27 Joshua Hill Jr. (SBN 250842)
28 **PAUL, WEISS, RIFKIND, WHARTON &**
GARRISON LLP
535 Mission Street, 24th Floor
San Francisco, CA 94105
Telephone: (628) 432-5100
Facsimile: (628) 232-3101
Email: jhill@paulweiss.com

Sonya D. Winner (SBN 200348)
COVINGTON & BURLINGTON LLP
415 Mission Street, Suite 5400
San Francisco, California 94105-2533
Telephone: (415) 591-6000
Facsimile: (415) 591-6091
Email: swinner@cov.com

Kathryn E. Cahoy (SBN 298777)
COVINGTON & BURLINGTON LLP
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, California 94306-2112
Telephone: (650) 632-4700
Facsimile: (650) 632-4800
Email: kcahoy@cov.com

Andrew Lazerow (*pro hac vice*)
COVINGTON & BURLINGTON LLP
One City Center 850 Tenth Street NW
Washington DC 20001-4956
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
Email: alazerow@cov.com

Allen Ruby (SBN 47109)
ALLEN RUBY, ATTORNEY AT LAW
15559 Union Ave. #138
Los Gatos, California 95032
Telephone: (408) 477-9690
Email: allen@allenruby.com

Attorneys for Defendant
Intuitive Surgical, Inc.

Dated: December 16, 2024

By: /s/ Richard T. McCaulley
Richard T. McCaulley

Richard T. McCaulley (*pro hac vice*)
MCCAULLEY LAW GROUP LLC
E-Mail: 180 N. Wabash Avenue, Suite 601
Chicago, Illinois 60601
Telephone: (312) 330-8105
richard@mccaulleylawgroup.com

Joshua V. Van Hoven (CSB No. 262815)

3001 Bishop Dr., Suite 300
San Ramon, California 94583
Telephone: (925) 302-5941
E-Mail: josh@mccaulleylawgroup.com

*Attorneys for Plaintiff Surgical Instrument
Service Company, Inc.*

CERTIFICATE OF SERVICE

On December 16, 2024, I caused a copy of this Joint Administrative Motion to Consider Whether Another Party's Material Should Be Sealed to be electronically filed via the Court's Electronic Case Filing System, and served via email on counsel of record for Surgical Instrument Service Company, Inc, and on non-parties Alliance Healthcare Partners' and Restore Robotics' counsel, Jeffrey Berhold, Asensus Surgical's counsel, Thomas W. Hazlett, CMR Surgical's counsel, Scott Bluni, Franciscan Health's and Valley Medical Center's counsel, Manuel J. Dominguez, Stryker's counsel, Andrea Bernard, via electronic mail.

Dated: December 16, 2024

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

Dated: December 16, 2024

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo